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3732

IN THE UNITED STATES PATENT
AND TRADEMARK OFFICE

In re Patent Application of

GROUP NUMBER 3732

JOHNSON, GARY E.

I hereby certify that this correspondence
is being deposited in EXPRESS MAIL
postpaid and addressed to
U.S. PATENT AND TRADEMARK OFFICE
PO BOX 2327
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Serial No.: 09/204,866
Filed: 3 Dec. 1998

Primary Examiner
_____ Pages

For: POWERED CUTTING
SURFACE WITH PROTECTIVE
GUARD FOR EQUINE TEETH
Group: 3732

John E. Halamka
Dated: 2 APRIL 2004
Palos Verdes Estates, California

Examiner: John J. Wilson
Primary Examiner

RESPONSE

Honorable Assistant Commissioner of Patents and Trademarks
Washington, D. C. 20231
Attn: John J. Wilson

Dear Examiner Wilson:

Responsive to the Notice that the application is in condition for allowance EXCEPT for formal matters dated February 11 2004, it is requested that the following remarks be added to the file.

The examiner points out that Figure 5 contains A, B and C. The specification should be consistent with the reference to Figure 5 to distinctly point out which part of Figure 5 is being discussed. Applicant's attorney has corrected this inconsistency.

The examiner stated that Figure 12 is ambiguous in that it contains two "B" designations and must be corrected. Also, the substitute page 21 of Fig. 6 does not agree with the requested changes.

Applicant's attorney has reviewed the file but had difficulty with each of the request.

The issue of two "B" designations in Figure 12 is easy. The bottom "B" was intended to designate Back consistent with the other letters F for Front and S for Side.

Upon review of Figure 12, Applicant's attorney noticed discrepancies between the informal drawing, the drawings received from the patent draftsman and what was believed to be submitted as the formal drawing.

Applicant's attorney contacted the Examiner and he was so kind to fax Figure 12 from the file of this application. This confirmed a suspected problem with the drawing of Figure 12. Figure 12 was to be based upon a picture supplied by the inventor, a copy of the picture is attached as (PROSPECTIVE FIGURE 12) and an attempt is made to allow the photograph to be faxed without being too dark. I hope this has been accomplished. The photo shows the three different shapes of the guard, one expanded to the left, the center balanced in size, and the other expanded to the right. This is not reflected in Figure 12 as submitted.

The items labeled "A", "B" and "C" at the top of Figure 12 are all identical in shape. This is not in conformance with the informal drawing for Figure 12, a copy of which is attached LABELED INFORMAL. The informal drawing clearly shows the different shapes of A, B and C. During the course of production of formal drawing, a DRAFT (copy attached) was received from the patent draftsman however A, B and C were ALL THE SAME SHAPE. Corrections were made and returned to the draftsman but the mistake of A, B and C being identical was not noticed to be corrected in the Formal Drawing.

Page 19, starting at line 10 of the specification contains the following language, "Figure 12 A, B and C illustrate three shapes, left, right and balanced, respectively of a type of extended guard 406 which may be removably attached to the base 415 to provide extra separation between the fleshy material and the cutting surface 302." (I am unsure of the lines for reference as this application has been revised many times. I apologize for any inconvenience them may cause the examiner in his review.)

Thus, Figure 12, A, B and C does not conform with the specification.

Applicant's Attorney respectfully asserts that no new matter is being added to the application by having A, B and C configured as specified - three slightly different shapes - right, left and centered.

Because Figure 12 must be corrected to eliminate the ambiguity of having two "B" designations in the figure, applicant's attorney desires to also correct the shapes of A, B and C to conform to the written specification and informal drawings.

In an attempt to avoid further delay in the issuance of this patent, applicant's attorney hereby requests the examiner to review this submission and call with permission to correct both the two "B" ambiguity and correct Figure 12 A, B and C to conform to the specification.

As to correction of the substitute page 21 from Fig 6 to Fig. 6H, again applicant's attorney has reviewed the file and the figures. Initially page 21, line 27 referred to Fig. 18 and when applicant's attorney reviewed the application he crossed out "8" and wrote in "6". But in writing up the office action, he forgot that 18 was to be changed to 16 and mistakenly requested "18" to be changed to "6". The examiner attempted to make the specification coherent and attempted to associate this portion of the specification to Figure 6H, thus the request to change. However, in context of items 213, 212 and 204, it is clear that the reference on page 21, line 27 should be changed from "Figure 6" to "Figure 16".

Thus, applicant's attorney respectfully request the substitute pages submitted with Paper No. 12, September 12, 2002, be withdrawn from the file and the following changes be entered into the application.

In the Drawings:

Figure 12 be modified to: First, show items A, B and C at the top of the figure to be in compliance with the specification to show three different shapes, one expanded to the left, one expanded to the right and the third centered with expansions on both sides and Second, to show the letters F, B and S at the bottom of the figure to be expanded to the true meaning of Front, Back and Side. A RED marked up drawing is attached for the examiner's review. A formal drawing corresponding to the marked up drawing is also submitted.

In the Drawing:

Substitute the new drawing for Fig.12 in place of the present Figure 12.